

Prosecuting federal offenses as delinquent conduct

HB 376 by Gallego/Green et al.

DIGEST: HB 376 would have modified the definition of delinquent conduct to include violations of federal criminal law.

**GOVERNOR'S
REASON
FOR VETO:** "It is not in the state's best interest to use scarce state resources to prosecute juveniles for violation of federal law. The United States of America, acting through its duly constituted law enforcement agencies, is well able to determine when and if juvenile conduct on federal land should be the subject of prosecutorial activity and there is no compelling need for the state to take on that responsibility and expense."

RESPONSE: Rep. Pete Gallego, author of HB 376, said the veto will let these kinds of juvenile cases fall through the cracks because in many areas the federal authorities lack the resources to detain and prosecute juveniles. The result is that juveniles are not prosecuted for offenses on federal land. The number of such cases is not large, so the cost to the state would have been minimal, said Rep. Gallego.

NOTES: HB 376 was analyzed in the April 10 *Daily Floor Report*.